

Harvis & Fett

GABRIEL P. HARVIS
BAREE N. FETT

August 4, 2017

BY E-MAIL

Evan Brustein, Esq.
New York City Law Department
100 Church Street
New York, New York 10007

Re: *Hassan Muhammad v. City of New York, et al.*, 17 CV 625 (AJN)

Dear Mr. Brustein:

My client Hassan Muhammad reports that a detective who has been involved in both of his recent felony arrests approached him on Wednesday, August 2, 2017, at approximately 1:00 p.m. inside of a store called Eat Better Today (also known as “EBT”) on 137th Street between Brook and St. Anne’s Avenues (near the location of the incident in this case).¹ The detective is described as a Hispanic male (possibly of Dominican descent) in plainclothes with at least one tattoo on his arm and a bald head, approximately 6’ tall. The detective was accompanied by a Caucasian male also in plainclothes of the same approximate height with a military-style haircut. Neither officer had facial hair.

¹ This image of the store was accessed on Google Maps:



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The Hispanic detective told Mr. Muhammad, in sum and substance, that he should be buying for everyone because of his lawsuit. The detective then asked Mr. Muhammad, in sum, if his brother had brought suit regarding the first of the two felony arrests. The detective laughingly noted that he was not concerned with the outcome of the case, because the money was not coming out of his pocket. Mr. Muhammad of course felt quite intimidated by the officer's remarks.

In addition to flagrant violation of the rules generally prohibiting direct party contact between litigants, we believe the detectives' conduct potentially violates 18 U.S.C. § 1512, which criminalizes the intimidation of witnesses to judicial proceedings. This is particularly egregious given the officer's position of authority, his history with the plaintiff and the nature of the allegations in this case.

This is a serious matter, and plaintiff requests that defendants take prompt action to prevent any future contacts, harassment or intimidation of Mr. Muhammad. Please identify the detectives who approached plaintiff on August 2nd and confirm that the ICO of their precinct has been notified of this issue and that corrective action has been taken. Note that plaintiff's outstanding discovery requests already seek production of recent, labeled color photographs of the defendants.

Plaintiff intends to raise this issue with the Court in due course if it cannot be resolved between the parties, and would like to meet and confer at your convenience.

Thank you for your prompt attention.

Yours truly,

A handwritten signature in black ink, appearing to be 'G. Harvis', written over the typed name.

Gabriel P. Harvis